

SENATE COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

The meeting was called to order at 8:13 a.m. on Tuesday, April 19, 1977 in Room 323, with Senator Jack Schofield in the Chair.

PRESENT: Chairman Jack Schofield  
Vice-Chairman Joe Neal  
Senator William Raggio  
Senator Richard Blakemore  
Senator Wilbur Faiss  
Senator William Hernstadt

GUESTS: Fred Hillerby, Nevada State Hospital Association  
Dave Nicholas, Nevada Insurance Division  
Dr. Louis Beermann, Mental Health & Mental Retardation  
Assemblyman John Vergiels, A.B. 546  
Robert Petroni, Legal Counsel for Clark County Sch. District  
Joyce Woodhouse, Nevada State Education Association  
Robert Cox, Legal Counsel for Washoe County Sch. District  
Frank Daykin, Legislative Counsel Bureau  
Wendell Newman, Nevada State Education Association  
John Hawkins, Carson City School District  
Robert Best, Nevada State School Boards Association  
Janet Sobel, Member of the Board of Trustees, Clark County  
Ann Hibbs, Nevada State Nurses' Association  
Barry Becker, Nevada State Home Builder's Association &  
Southern Nevada Home Builder's Association  
Orville Wahrenbrock, Department of Human Resources

S.B. 499 (Exhibit "A")

Senator Raggio: Motion to Indefinitely Post-poner  
Senator Faiss: 2nd the Motion

The Motion Passed. (Senators Neal and Blakemore "NO")

S.B. 487

Senator Neal said that he introduced this bill as a request of Mr. Dick Rottman of the Nevada Insurance Division.

Senator Neal said the Board of nine members would adopt a system whereby they could analyze the expenses and revenue of the hospitals. He said that the problem that the bill is dealing with is the situation where excessive charges are made to the NIC fund and other insurance programs of the State.

Senator Hernstadt commented that he felt that this is a fair piece of legislation, however he could not support this because he is on record as opposing all price and wage controls.

Mr. Fred Hillerby of the Nevada Hospital Association submitted a written statement to the Committee (Exhibit "B").

(Senator Blakemore entered the room)

Senator Hernstadt asked that in reference to the wage and price 'freeze' of the early 1970's, did such action have an affect on hospitals and health care facilities? Mr. Hillerby said that it had a 'drastic affect' because the hospitals were the last ones to be relieved from those controls. Senator Hernstadt asked if some hospitals went bankrupt as a result of this 'freeze'? Mr. Hillerby said not in Nevada, but in other states.

Senator Neal asked if Mr. Hillerby felt that the quality of health care should be related to the profit motive? Mr. Hillerby said that proprietary hospitals serve an important function as they supply hospital beds that are not being subsidized by county or state tax dollars. Senator Neal asked if Mr. Hillerby was aware that the Federal Government is presently considering creating cost health boards? Mr. Hillerby said that his association is working very carefully with this situation. Senator Neal asked if Mr. Hillerby was aware that the members of the Board would be from or connected to a health service agency and there would be no excessive cost to the State? Mr. Hillerby answered that the bill allows for a payment of their services while on the Board (\$40.00/day), and allows for an Executive Director and a staff adequate to do the job. Senator Neal asked if Mr. Hillerby was aware that the Board would be asking the hospitals for a schedule of expenses and rates? Mr. Hillerby said this is already being done under A.B. 388 which was passed by the 1975 Session. Mr. Hillerby also added that his association disagrees with the concept of regulating charges, without regulating the costs to the health care provider.

Senator Raggio asked Mr. Dave Nicholas what the Insurance Division's position was on this bill? Mr. Nicholas said he had no word of an official position on this bill.

This bill was held for further consideration.

A.B. 265 (Exhibit "C")

Senator Blakemore said that as a member of the Interim Committee that produced this bill, he contacted the other members and they do not support this bill.

Senator Blakemore: Motion to Indefinitely Post-poner A.B. 265  
Senator Hernstadt: 2nd the Motion.

The Motion passed. (Senator Neal voted "NO", and  
Senator Raggio "Abstain")

A.B. 625

Mr. Fred Hillerby said that he had contacted the states of Utah, Oregon and California regarding their hospitals charging interest on overdue accounts. He said that Wasatch Hospital in Heber, Utah

charges 12% interest; Summit County in Coleville, Utah charges 1% per month; and in Oregon the hospitals in Springfield and Portland charge interest (the person responding said it was 1% per month to the best of his recollection); three Mercy hospitals in Sacramento, California do charge interest and the average rate is 1% per month.

Senator Neal asked who would oversee this operation? Mr. Hillerby said that once interest is charged, the action comes under the Federal Truth and Lending Act.

Senator Hernstadt: Motion to Do Pass A.B. 625 (Exhibit "D")  
Senator Blakemore: 2nd the Motion.

The Motion passed. (Senator Neal voted "NO", and  
Senator Raggio "Abstain")

A.B. 526 (Exhibit "E")

Senator Raggio said that he did not see any need for this measure. He said the Trustees should be able to set policy for the users, and the language in the Reprint does not reach the issue.

Senator Raggio: Motion for Indefinite Post-ponement  
Senator Hernstadt: 2nd the Motion.

The Motion passed. (Senator Neal voted "NO")

A.B. 553

Dr. Louis Beermann of the Nevada State Mental Health and Mental Rehabilitation Division said that this legislation was needed for the following reasons: (1) clarifies voluntary application procedures for mentally retarded children and adults and responsibilities of parents and guardians, (2) it specifies criteria for judicial commitments, (3) provision for a seven day notification to the administrator will serve both clients and the agency in evaluating the client's needs and in determining the most appropriate and least restrictive environment possible, (4) the admission's criteria states a standard national definition of mental retardation as a prerequisite to admission, and (5) provision is made for time-limited evaluation of a child upon order of a juvenile court having jurisdiction.

Senator Raggio said in reference to Line 10 of Page One that the definition of Mental Retardation precludes all other types of admissions. The Senator requested that Dr. Beermann find the language in the statutes that covers other admissions and report back to the Committee.

A.B. 546

Assemblyman Vergiels said that this bill was requested by Clark County, to protect the student it can be requested that the hearings be open, but in all other cases it would be mandated that the hearings be closed.

Senator Raggio stated that he was concerned because in the Senate Government Affairs Committee it was the general consensus that in regards to the 'Open Meeting' legislation there would not be any allowance to request an open meeting. Mr. Vergiels and Mr. Robert Petroni of the Clark County School District said they would not object to striking that section.

Senator Hernstadt asked that Mr. Daykin's opinion be given on this measure.

A.B. 346

Assemblyman Vergiels said that in Lines 14-19, Page One an admonition must be removed from the record of an employee after three (3) years. Joyce Woodhouse of the Nevada State Education Association also commented on the first section of the bill and said that the entire bill was amended beyond the Association's original request. She stated that they had requested that the admonitions be removed from the individual's file after the 3 month improvement period, but they will accept the amendment of three (3) years. Senator Hernstadt said that there might be a problem if there are two or three admonitions in someone's file and the oldest is almost three (3) years old, and at that point a "suspension" is in process; is there a provision where when the material is a matter of contention it does not expire? Mr. Petroni and Mr. Robert Cox, the legal counsel for Washoe County School District, both felt that such a provision is necessary. Senator Raggio stated that there are no provisions in the law ~~not to~~ expunge a felony in this State. Mr. Frank Daykin, of the Legislative Counsel Bureau, said that at the present time a felony record is expunged after 10 years, but there is currently legislation to make that 5 years. Mr. Cox said there is a good reason for requiring such a provision, he said that every time a letter of admonition is removed from the file, this would require that there be a procedure for dismissal or non-reemployment action in order not to risk losing that evidence. Senator Neal said that Mr. Cox was making the assumption that each admonition is a pre-requisite for suspension. Mr. Wendell Newman of the Nevada State Education Association said quite often an assertion of an admonition could clear the situation up immediately, so he felt that Mr. Cox's assumption was invalid. Mr. Cox said that this is not an assumption, he said that if this material cannot be retained for a period of time, this will force Districts to proceed with this type of action.

A.B. 546 (Continued)

Senator Raggio explained to Mr. Daykin his problem with the "open hearings" being allowed upon request, and asked if there was a constitutional requirement that the pupil be

allowed the right of an open meeting? Mr. Daykin said not so long as the pupil is given the basic elements of due process of which public trial is not one, and juvenile hearings are not allowed to be open.

A.B. 553 (Continued)

Senator Raggio said that he was concerned about the law precluding other admissions. Mr. Daykin said no, because in the first two lines of the bill it states that the administrator may receive mentally retarded persons for services, if he meets the definition.

Senator Neal: Motion for Do Pass on A.B. 553 (Exhibit "F")  
Senator Raggio: 2nd the Motion.

The Motion passed. ( Senators Hernstadt & Blakemore - Absent)

A.B. 546

Senator Raggio: Motion to amend A.B. 546 by deleting  
Line 14 and Do Pass

Senator Neal commented that the Committee better wait for a full quorum, because he intended to vote "No" on Senator Raggio's motion.

Senator Raggio: Withdrew the Motion.

A.B. 346 (Continued)

Assemblyman Vergiels discussed the bill by each section.

Senator Neal asked Mr. Vergiels how "immorality" is defined? Mr. Vergiels said that he does not know the legal definition as he is not an attorney. Senator Raggio commented that "immorality" is subject to definition at the time.

Mr. Vergiels said that on Page 2, Lines 45-46, this makes tenured and non-tenured teachers have the same type of proceeding. Mr. Cox said that this elevates non-tenured teachers to a higher position than tenured teachers, and currently the only distinction is that the Board has the ability after a hearing commission report to make a decision that cannot be appealed.

Senator Neal asked if "immorality" is the same as "moral turpitude"? Senator Raggio said that in NRS 391.312 these terms are listed as separate items in the law.

Ms. Woodhouse responded to the remarks made by Mr. Cox in regards to Page Two, Lines 45-46. She said that at present, probationary teachers may receive a hearing, they are not necessarily entitled to one. She said that in regards to the judicial review of the hearing officer's or commission's opinion, the probationary status means to the teachers that this is three (3) years where the administrator has the

opportunity to help the teacher with their problems. Mr. Newman said that the evaluation procedures for the probationary teacher occur twice each year (within the first thirty days of each year) and the post-probationary teacher is evaluated once each year. He added that the Education Association (NSEA) feels that this period of three years is an opportunity to help a teacher who may need assistance in a particular area.

Ms. Woodhouse continued her testimony and spoke on the Pay and Benefits (Page Two, Line 11). She said that the Association believes that it would be more fair to allow the teacher under question to stay on the job and go through the dismissal proceedings until they are proven innocent or guilty. She said that there are three areas where suspension would still be in affect and these involve moral charges. She said that under NRS 391 the teacher could not obtain another job as long as they are employed by the District and under suspension, and this would allow them to prove their innocence and not undergo any financial hardship. Senator Hernstadt asked about the person who continues to work and then the decision is upheld that he/she is guilty; does the District collect for back pay? Senator Raggio said that the District would not be entitled to action to collect for back pay. Senator Hernstadt said that he felt it should be clear in the law that the individual be paid and that there is no claim for reimbursement.

Mr. Cox said he wished to speak to the area of admonition. He stated that in the Washoe County School District, before a letter of admonition is issued, it is reviewed by legal counsel and is signed by the Superintendent. Mr. Cox said that he is not sure why a teacher should be treated any differently from any other professional person, normally he said one's record follows the individual regardless of where they go. In this law the letter would be left for a three (3) year period so that it could be used in a dismissal if that is necessary. Mr. Cox said that in order to dismiss or non-renew there always has to be a letter of admonition except for four (4) listed cases. Mr. Cox said that it should not be easy to dismiss a teacher, but at the same time, there should not be so many barriers that it is impossible to dismiss 'bad' teachers, so the backgrounds should be in the file for this use. Mr. Cox said he was concerned in regards to the 'non-pay', that if a teacher was suspended there is no right of recovery. Mr. Cox said they would like the superintendent to have some discretion regarding suspensions for felonies as there are some felonies in the State law that would not decrease the ability of a teacher to function in a classroom. He said that on Page Two they would like the language to read, the superintendent "may" suspend in the event of a felony, and "shall" suspend in the event of a crime involving moral turpitude. Mr. Cox said that evaluation is not the purpose of a probationary period, as the legislative intent of having tenured and non-tenured teachers is on Lines 31-35 on Page Two which says,

"teachers employed by a Board of Trustees, shall be on probation annually for the first three consecutive years of employment, unless on approved leave of absence if their services are satisfactory, or they may be dismissed at any time after a hearing is provided in sub-section three." Mr. Cox said that in Washoe County they have had teacher dismissal hearings for non-tenured teachers where the hearing officer recommended that the teacher continue to be re-employed by the District, and the Board has accepted on every occasion the recommendation of the hearing officer.

Mr. Petroni said that in regards to admonition that was a compromise that he and the principals of Clark County agreed to, but he was concerned about the possibility of the information being removed from the files before it can be used for a hearing.

Mr. Petroni said that he was concerned about suspension with pay, as he would like to have "shall" to read "may", and he sited a case where a teacher wrote a bad check and was charged with a felony and in that instance the superintendent did not wish to suspend the teacher, (Page Two, Line 7).

Mr. Petroni also commented that in regards to the language entitling an employee to receive full pay and benefits during the term of suspension, except for immorality, physical or mental incapacity or conviction of a crime involving moral turpitude; he sited a case where a teacher is involved in three counts of drug sales and they would have been paying this teacher about \$30,000 for the three years of the term of this case. This teacher finally pled guilty to one charge last month, and Mr. Petroni said that if that teacher had been left in the classroom, there would have been a great deal of calls from parents. Secondly, Mr. Petroni gave another example of two teachers who are under suspension, one of which pled guilty to child molestation, his case extending for almost three years and the District would have been required to pay him for all that time. Mr. Petroni said that the District's compromise with the teachers was that if all charges were dropped, the District would pay that individual the back pay, plus 7% interest. Senator Raggio asked what do you do with the teacher who is improperly charged who is delayed for 18 months in pay, how does he live? Mr. Petroni said that these teachers under suspension, "somehow manage to collect unemployment compensation". Mr. Cox said that part of the control in a felony regarding a 'zealous' prosecutor is in the preliminary hearing approach, where the person has to be 'bound over'. Mr. Cox said this process requires probable cause. Senator Raggio said that this is dealing with a fundamental principle where a person is presumed innocent until proven guilty, regardless of the nature of the offense. Mr. Cox said that he was not quarreling with that particular principle, but in every other sector of employment, the

people have the right to continue unemployment, to continue to receive money when they are not there -- he stated that he does not see this in any other profession. Senator Raggio said that there is a certain amount of punitive reaction in just having to leave one's job and undergo suspension. Mr. Cox said that this is true, but he stated that this section of the law is not highly used, and is an emergency area.

Mr. Petroni said that in the two drug cases and the two child molestation cases, this would cost Clark County \$7,000/month in salaries if this was the law. Mr. Petroni said this would really affect a small county. Mr. Carl Shaff of Eureka County had contacted Mr. Petroni and stated that the 'people' of Elko, White Pine and Ely were all concerned about this bill.

Mr. Petroni also cited another case where a teacher was stealing typewriters out of the school and selling them to a physician in town, and in that case the teacher would be receiving pay, even though he was caught "red-handed".

Mr. Petroni said that on Page Two, Line 25 he would like to have the "2 days" amended to "5 days"; and on Line 32, Page Two they would like to clarify the language and have three "complete" school years, instead of "consecutive". Also, he concurred with Mr. Cox's objection in regards to the appeal of a probationary teacher in that this is the only area where there is a distinction between a tenured and a non-tenured teacher, and he requested that the law remain as it is.

Mr. John Hawkins, of the Carson City School District said that his main concern with the bill is that this is applicable to administrators, as in his District they send out more letters of admonition to administrators than they do the teachers. Mr. Hawkins said that the area where they are having problems is in the instance of alcoholism where the situation is reoccurring and the material is only in the file for three years. Senator Raggio said he cannot understand why they would want to go back beyond the three years. Mr. Hawkins said that would seem to be case, but in his own experience he has had a problem with it in regards to alcoholism being an illness, etc. Senator Hernstadt asked what is the policy now in dealing with a person who is an alcoholic? Mr. Hawkins said that as long as the teacher is effective in the classroom, the District feels that it cannot take any action. Mr. Hawkins stated that alcoholism can be a progressive illness, and it may take more than three years to begin to affect the classroom, and dismissal could be initiated.

Mr. Robert Best of the Nevada School Board's Association said that the Association subscribes to the testimony of Mr. Cox and Mr. Petroni. Mr. Best said that when school board members come on the job, their first priority is to employ the best teachers possible, therefore probationary teachers should be probationary in the sense that they can be dismissed if they do not produce, and if they have the same level as the tenured teachers it will



be impossible to upgrade the staffs. He said, "Even though we have to be very careful about people as individuals, we also have to be very cognizant of the need to improve teaching staffs in our schools." Senator Raggio asked if Mr. Best objected to the language that entitled probationary teachers to a hearing? Mr. Best said no. Senator Neal commented that the bill being discussed, tends to address the vulnerability of human judgement. He said they would like to give the principal the right to select a teacher and if necessary put them on probation, but if the teacher is doing their job, they need a hearing.

Ms. Janet Sobel, Trustee of the Clark County School Board, said in reference to Page Two, Lines 11-16, that she preferred to see immorality, physical or mental incapacity, and felony be more clearly defined. She said then if the District had an employee who's crime was not on this defined list, the Superintendent could more easily say that the teacher would remain in the classroom. She said that she would like to see an amendment where the suspended teacher could still receive pay as long as they were giving services to the District, in another capacity other than a teacher.

Chairman Schofield held the bill for further discussion of the suggested amendments.

A.B. 546 (Exhibit "G")

Senator Raggio: Motion to amend out the language of the reprint on A.B. 546, and return to the original version, "The provisions of Chapter 241 and NRS 386.335 do not apply to any hearing conducted under this section.", and Do Pass.

Senator Faiss: 2nd the Motion

Senator Hernstadt asked if anyone was opposed to this amendment. Senator Neal said he felt the bill should be passed in accord with the First Reprint. Senator Hernstadt asked if a parent could bring a tape recorder into the hearing and then later disclose the information? Senator Raggio said that after the hearing is over, nothing can prevent anyone from disclosing the information of the hearing.

The Motion passed. (Senator Neal voted "NO")

A.B. 171 (Exhibit "H")

Ms. Ann Hibbs of the Nevada Nursing Association submitted a written statement to the Committee, (Exhibit "I").

Senator Raggio asked how the contractors became a part of this board? Mr. Barry Becker of the Nevada State Home Builders Association and the Southern Nevada Home Builders Association

H.R. & F.  
APRIL 19, 1977

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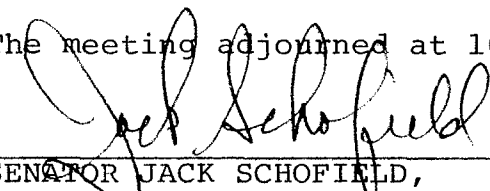
said that the State Health Board covers all the statutes regarding water distribution and waste distribution which involves the general contractors. Mr. Becker said that in the past the Board has presented many regulations that are duplications, they pre-empt the cities and counties, and cause redundant services.

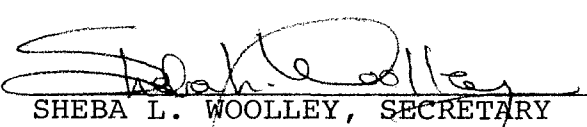
Mr. Orville Wahrenbrock of the Department of Human Resources said that his Department is satisfied with the First Reprint, but they question what contribution the general contractors will make to the Board.

Senator Hernstadt: Motion for Do Pass  
Senator Raggio: 2nd the Motion

The Motion passed. (Senator Neal voted "NO", and  
Senator Blakemore was "Absent")

The meeting adjourned at 10:29 a.m.

  
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SENATOR JACK SCHOFIELD,  
CHAIRMAN

  
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SHEBA L. WOOLLEY, SECRETARY

**S. B. 499**

## SENATE BILL NO. 499—SENATOR FAISS

APRIL 13, 1977

Referred to Committee on Human Resources and Facilities

SUMMARY—Establishes maximum pupil-teacher ratios for all public schools.  
(BDR 34-1770)FISCAL NOTE: Local Government Impact: Yes.  
State or Industrial Insurance Impact: Yes.EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to education; establishing maximum pupil-teacher ratios for all public schools; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 387.123 is hereby amended to read as follows:  
 2 387.123 1. "Enrollment" means the count of pupils enrolled in and  
 3 scheduled to attend programs of instruction in the public schools for:  
 4 (a) Pupils in the kindergarten department.  
 5 (b) Pupils in grades 1 to 12, inclusive.  
 6 (c) Handicapped minors receiving special education pursuant to the  
 7 provisions of NRS 388.440 to 388.520, inclusive.  
 8 (d) Children detained in detention homes and juvenile forestry camps  
 9 receiving instruction pursuant to the provisions of NRS 388.550 to 388.-  
 10 580, inclusive.  
 11 (e) Part-time pupils enrolled in classes and taking courses necessary  
 12 to receive a high school diploma.  
 13 2. "Average daily attendance—full term" means the average daily  
 14 attendance of pupils enrolled in the public schools during the school year.  
 15 3. "Average daily attendance—highest 3 months" means the average  
 16 daily attendance of pupils enrolled in the public schools during the 3  
 17 months of highest average daily attendance of the school year.  
 18 4. The state board of education shall establish uniform rules to be  
 19 used for counting enrollment and in calculating the average daily attend-  
 20 ance of pupils. In calculating average daily attendance of pupils, no pupil  
 21 specified in paragraphs (a), (b), (c) and (d) of subsection 1 [shall]  
 22 may be counted more than once. In establishing such rules for the public  
 23 schools, the state board of education:  
 24 (a) Shall divide the school year into 10 school months, each contain-  
 25 ing 20 or fewer school days.

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.

PRESENTED APRIL 18, 1977

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES

S.B. 487

MR. CHAIRMAN, I AM FRED HILLERBY, EXECUTIVE DIRECTOR OF THE NEVADA HOSPITAL ASSOCIATION.

S.B. 487 IS PREFACED BY THE DECLARATION THAT THE COST OF THE DELIVERY OF HEALTH CARE SIGNIFICANTLY AFFECTS THE HEALTH AND WELFARE OF THE CITIZENS OF NEVADA. THE ECONOMICS OF HEALTH CARE HAS BEEN THE TOPIC OF MUCH DEBATE IN RECENT YEARS. THE INCREASED DEMANDS FOR MORE AND BETTER HEALTH CARE HAS INDEED INCREASED THE COSTS. <sup>ONE</sup> ~~THE~~ FREQUENT <sup>CONSIDERATION</sup> ~~REASON~~ IS TO LIMIT THE CHARGES BUT WITH NO LIMITATIONS ON THE QUANTITY OR QUALITY OF HEALTH CARE.

THE BASIC ISSUE, AS HOSPITALS SEE IT, IS ONE OF ESTABLISHING A BALANCE BETWEEN THE HEALTH CARE SERVICES PEOPLE WANT AND WHAT THEY ARE WILLING TO PAY. THE PUBLIC TODAY DEMANDS MORE AND BETTER HEALTH CARE; THE TECHNOLOGICAL DEVELOPMENTS GROW IN SCOPE AND EXPENSE YEARLY; THE PEOPLE THAT MAN THESE SERVICES EXPECT AND DESERVE COMMENSURATE PAY FOR WHAT THEY DO; AND THE PATIENT IS ADDING THE FINAL BEWILDERING PARADOX TO THE PROBLEM BY SAYING "GIVE ME THE BEST SERVICE YOU HAVE WITH THE MOST ADVANCED EQUIPMENT AND THE TOP PERSONNEL. P.S...YOUR RATES ARE FAR TO HIGH."

THERE ARE MANY FACTORS WHICH CONTRIBUTE TO INCREASES IN HOSPITAL COSTS. OUR INDUSTRY IS FIRST, VERY LABOR INTENSIVE. HOSPITALS ARE STAFFED 24 HOURS A DAY, SEVEN DAYS A WEEK, THREE HUNDRED SIXTY FIVE DAYS A YEAR. IN ADDITION TO NURSING SERVICE, LABORATORIES, RADIOLOGY DEPARTMENTS, OPERATING ROOMS, PHYSICAL THERAPY DEPARTMENTS AND OTHER SPECIALITY DEPARTMENTS ARE STAFFED WITH SKILLED EMPLOYEES PROVIDING SERVICES TO PATIENTS ON AN INDIVIDUAL BASIS. AN AVERAGE

OF SIXTY PERCENT OF OUR COSTS GO TO PAY WAGES AND SALARIES. IN MOST OTHER INDUSTRIES, THAT FIGURE IS CLOSER TO TWENTY-SEVEN PERCENT. WE COULD REDUCE OUR LABOR COSTS BY REDUCING OUR SERVICES SUCH AS ELIMINATING NURSES TO ANSWER PATIENT CALLS; WE COULD ELIMINATE LAB AND X-RAY TECHNICIANS; WE COULD ELIMINATE NIGHT AND WEEK-END SERVICE; WE COULD DO ANY NUMBER OF THINGS TO CUT LABOR COSTS. BUT WHAT HOSPITAL IS GOING TO DO IT AND WHAT COMMUNITY WILL STAND BY AND LET IT BE DONE?

HOSPITAL SUPPLY COSTS HAVE INCREASED RAPIDLY. OVER THE PAST TWO YEARS PLASTICS AND OTHER PETROLEUM PRODUCTS HAVE JUMPED IN PRICE OVER 300 PERCENT. MEDICAL EQUIPMENT HAS INCREASED FOURTEEN - TWENTY-FIVE PERCENT. WE ALL ARE AWARE OF THE INCREASE IN UTILITY AND FOOD COSTS. PROFESSIONAL LIABILITY - MALPRACTICE PREMIUMS HAVE RISEN FROM 100 - 300 PERCENT DEPENDING ON THE TYPE OF SERVICE PROVIDED BY THE HOSPITAL.

AN AVERAGE OF FORTY PERCENT OF THE CARE GIVEN IN NEVADA HOSPITALS IS TO MEDICARE AND MEDICAID PATIENTS. ALTHOUGH BILLABLE TO THE FEDERAL AND STATE GOVERNMENTS, THEY REIMBURSE LESS THAN NINETY PERCENT OF THE COSTS OF SERVICES AND SUPPLIES USED BY THE MEDICARE/MEDICAID RECIPIENTS. THIS NON REIMBURSED CARE AND OTHER UNCOLLECTED FEES ARE ADDED TO EACH PAYING PATIENT'S CHARGES.

IN RECENT YEARS, THE INCREASE IN REGULATORY DEMANDS HAS BEEN STAGGERING - NOT ONLY IN NUMBERS BUT ALSO IN ADDITIONAL COSTS TO THE HOSPITAL FOR COMPLIANCE AND THUS CHARGES TO THE PATIENT. HOSPITALS ARE VERY CLOSELY WATCHED BY THE GOVERNMENT - WITH MUCH ATTENDANT PAPERWORK; INSPECTION CHECKLISTS, LICENSURE APPLICATIONS, FINANCIAL STATEMENTS, CERTIFICATE OF NEED EVIDENCE, ACCREDITATION SURVEYS AND MEDICARE/MEDICAID FORMS JUST TO NAME A FEW EXAMPLES. THE TIME TO COMPLETE THE PAPERWORK AND TO ATTEND THE MANY SURVEYORS

ADD SIGNIFICANTLY TO THE HOSPITAL'S PAYROLL. EVER CHANGING ENVIRONMENTAL STANDARDS REQUIRE MORE AND MORE EXPENSIVE PHYSICAL PLANTS.

A VERY IMPORTANT REASON FOR HOSPITAL COST INCREASE IS IMPROVEMENT OF THE PRODUCT THROUGH ADDITION OF SERVICES. ADVANCES IN MEDICAL TECHNOLOGY AND TECHNIQUE ARE MADE EVERY DAY AND THE ADVANCES ARE EXPENSIVE. INTENSIVE CARE UNITS, KIDNEY DIALYSIS, BYPASS SURGERY AND COMPUTERIZED TRANSAXIAL TOMOGRAPHY ARE JUST A FEW RECENT ADDITIONS. INNOVATION IN OTHER INDUSTRIES IS CONTROLLED BY COST CONSIDERATIONS. ENGINEERING IS ALWAYS SEVERAL STEPS AHEAD OF IMPLEMENTATION....THUS WE SEE ENERGY SOURCES-OF-THE-FUTURE, CARS-OF-THE-FUTURE AND SO ON. THEY ARE IN THE FUTURE MAINLY BECAUSE THEY CAN NOT BE JUSTIFIED IN TERMS OF COST. THAT IS NOT THE CASE WITH HEALTH CARE. THE FACT THAT SOMETHING NEW CAN SAVE LIVES OVERRIDES ALL CONCERNS ABOUT COSTS. FOR EXAMPLE, IF A CANCER CURE WERE FOUND TOMORROW, NO ONE WOULD DARE SUGGEST THAT IT BE HELD BACK UNTIL IT IS COST EFFECTIVE.

CHANGES IN POPULATION ARE WORKING AGAINST MEDICAL CARE COSTS. THE UNITED STATES IS BECOMING NOT ONLY A MORE POPULOUS NATION BUT AN OLDER NATION, AND OLDER PEOPLE REQUIRE MORE MEDICAL CARE. THE OLDEST TEN PERCENT OF THE POPULATION ACCOUNTS FOR MORE THAN THIRTY-THREE PERCENT OF INPATIENT HOSPITAL DAYS. BY THE YEAR 2,000, ONE IN FIVE WILL BE 65 OR OLDER.

THERE ARE PROGRAMS NOW IN PLACE WHICH REPRESENTS ATTEMPTS TO HOLD DOWN HOSPITAL COSTS. WE HAVE HEALTH PLANNING AND CERTIFICATE OF NEED WHICH ACT AS CAPITAL CONTROLS - ANY ADDITION OF BEDS OR THE ADDITION OF NEW SERVICES OR EQUIPMENT WHICH EXCEED \$150,000 MUST BE APPROVED IN ACCORDANCE WITH COMMUNITY HEALTH NEEDS. IN THE PAST, THESE CONTROLS MAY NOT HAVE WORKED AS WELL AS WOULD BE DESIRABLE. HOWEVER, THE NEW PLANNING LAW PROVIDES FOR MORE PARTICIPATION BY

BUSINESS, CONSUMERS AND THE HEALTH INDUSTRY. THE INVOLVEMENT OF REPRESENTATIVES OF THE TOTAL COMMUNITY IN HEALTH PLANNING ACTIVITIES AND THE PRUDENT APPLICATION OF CERTIFICATE OF NEED WILL HELP CONTROL COSTS.

IN OUR VIEW, THE STATE OF NEVADA HAS A ROLE IN DEALING WITH THESE ISSUES; IT IS A SIMPLE ONE, BUT ONE WHICH COULD HELP REDUCE THE COST OF HOSPITAL OPERATION AND THUS REDUCE THE RISE IN HEALTH CARE COSTS. THE STATE MUST RECOGNIZE THE COST IMPACT OF REGULATORY DEMANDS ON HEALTH CARE AND ACCEPT THE RESPONSIBILITY FOR THE RESULTANT INCREASE IN THE CHARGE TO THE PATIENT. THE STATE MUST THEREFORE INVESTIGATE THE DUPLICATION OF EFFORTS BY THE STATE AGENCIES THAT REGULATE THE INDUSTRY. THOSE WHO PROMULGATE NEW REGULATIONS MUST BE REQUIRED TO PROVIDE DATA WHICH WOULD RELATE THE COST OF COMPLIANCE TO THE BENEFIT FOR THE PATIENT.

IN ITS ROLE AS A WELFARE PROVIDER, THE STATE MUST REALISTICALLY ADDRESS THE NEEDS OF THE MEDICALLY INDIGENT AND THEN PROMISE ONLY WHAT IT CAN AFFORD. THE INABILITY OF THE NEVADA TITLE XIX PROGRAM TO PAY FOR SERVICES IT PROMISES RECIPIENTS DOES INFLATE THE PRICE OF HEALTH CARE TO THE PRIVATE PATIENT.

TO SUGGEST A CEILING ON MEDICAL CHARGES WITHOUT FIRST INVESTIGATING THE COST TO PROVIDE MEDICAL CARE IS A DANGEROUS PREMISE. THOSE COSTS TO PROVIDE MEDICAL CARE THAT WERE PREVIOUSLY MENTIONED: LABOR, MEDICAL SUPPLIES, EQUIPMENT, MALPRACTICE INSURANCE, UTILITIES, FOOD, UNCOLLECTED FEES AND OTHERS WHICH REPRESENT ~~NINETY~~ - NINETY-TWO PERCENT OF THE COST OF PATIENT CARE WILL CONTINUE TO RISE. UNLESS A CEILING CAN BE PLACED ON THOSE COSTS BY THE SAME REGULATORY AGENCY, THE ONLY SOLUTION WOULD BE A FORCED REDUCTION IN THE CONSUMPTION OF THOSE PRODUCTS NEEDED TO OPERATE A HOSPITAL AND THE CONSEQUENCES WOULD BE A DETERIORATION OF QUALITY IN PATIENT CARE. THAT AGENCY PLACING

CEILINGS WOULD NEED ANSWER TO THE OVER 7,000 PEOPLE EMPLOYED IN NEVADA'S HOSPITALS AS TO THE LIMITS ON WAGES AND LOSS OF JOBS.

IT IS ASSUMED THAT THE RATIONALE BEHIND S.B. 487 IS BASED EITHER ON OTHER STATES' EXPERIENCE IN RATE REGULATION OR ON NEVADA'S EXPERIENCE OF EFFECTIVE CONTAINMENT OF COSTS IN OTHER INDUSTRIES WHERE STATE CONTROL ALREADY EXISTS.

TO SUGGEST THAT RATE REGULATION IS THE ANSWER IN CONTAINING COSTS IN NEVADA HOSPITALS IMPLIES THAT IT HAS BEEN SUCCESSFUL IN STATES WHERE IT HAS BEEN IMPLEMENTED. ALTHOUGH OUTSIDE REGULATORY AGENCIES HAVE BEEN GIVEN AUTHORITY TO REGULATE RATE INCREASES IN NEARLY A DOZEN STATES, THE ONLY TWO THAT REPORTEDLY HAVE "SAVED" MONEY ARE WASHINGTON AND MARYLAND. NEITHER, HOWEVER, HAS A MIX OF HOSPITALS SIMILAR IN COMPOSITION TO THOSE IN NEVADA.

THE RATE REGULATION COMMISSION IN MARYLAND HAS JURISDICTION OVER ONLY SIXTY-TWO PERCENT OF THE STATE'S HOSPITALS, AS THE REMAINDER ARE EXEMPT GOVERNMENT FACILITIES. AS ONLY ONE PARTICIPATING HOSPITAL IS UNDER 100 BEDS, THE FINANCIAL REQUIREMENTS IMPOSED BY REGULATION ARE NOT AS BURDENSOME AS THEY WOULD BE ON NEVADA WITH SIXTEEN HOSPITALS WITH FEWER THAN 100 BEDS.

IN BOTH WASHINGTON AND MARYLAND, REPORTED RATE REGULATION "SAVINGS" ACCRUED FROM FUNDS THAT WERE CUT FROM GROWTH AND DEVELOPMENT ALLOTMENTS IN THE HOSPITAL'S BUDGETS, MERELY DEFERRING CAPITAL EXPENDITURES FOR EXPANSION OF NEW SERVICES, REPLACEMENT OF MAJOR EQUIPMENT, ETC., OF THE \$8.3 MILLION CLAIMED TO HAVE BEEN SAVED IN WASHINGTON DURING THE FIRST SEVERAL MONTHS OF RATE CONTROL, \$7 MILLION IS ALLEDGEDLY FROM GROWTH AND DEVELOPMENT FUNDS. RATHER THAN CHARGING PATIENTS FOR ANTICIPATED COSTS OF NEW EQUIPMENT AS IT IS PURCHASED AND USED, THE HOSPITAL MUST BORROW OR OTHERWISE ACQUIRE MONEY TO PURCHASE EQUIPMENT ON ORDER, SERVICE EXPANSION IN PROGRESS, ETC.,



AND DEFER CHARGE TO THE PATIENT UNTIL THE PRINCIPAL AND INTEREST ON THE LOAN ARE BEING REPAID. AT THE FUTURE TIME, THE OVERALL AMOUNT OF THE PURCHASE USUALLY COSTS THE PATIENT MORE THAN HE WOULD HAVE ORIGINALLY PAID BECAUSE OF INFLATION AND INTEREST COSTS.

TO PLACE HOSPITALS UNDER REGULATIONS SIMILAR TO THOSE IMPOSED ON THE PUBLIC UTILITIES, ASSUMES THE TWO INDUSTRIES OPERATE WITHIN A SIMILIAR FRAMEWORK, ALTHOUGH THERE IS CONSIDERABLE EVIDENCE TO THE CONTRARY. FIRST, PUBLIC UTILITIES HAVE EASILY IDENTIFIABLE UNITS OF MEASUREMENT FROM WHICH TO DERIVE COMPARATIVE FIGURES AND ASSESS RATES. A THERM IS A UNIFORM STANDARD OF HEAT AS A KILOWATT IS A CONSTANT MEASURE OF ELECTRICITY. THE TERMS ARE EASILY UNDERSTOOD AND EASILY ACCOUNTABLE.

THE COMPARABLE UNIT IN A HOSPITAL IS A PATIENT DAY, WHICH IS NOT UNIFORM AND IS WIDELY MISUNDERSTOOD. A PATIENT DAY (OR INPATIENT DAY) DENOTES THE SERVICES RECEIVED BY ONE PATIENT IN ONE 24 HOUR PERIOD. THIS CAN AND DOES RANGE FROM GENERAL NURSING CARE FOR A PATIENT HOSPITALIZED FOR A SUB-ACUTE OR NON-ACUTE MEDICAL PROBLEM, TO EMERGENCY ROOM TREATMENT FOLLOWING AN AREAWIDE DISASTER, TO A SIX HOUR OPEN HEART SURGICAL PROCEDURE OR OTHER INTENSIVE AND EXPENSIVE CARE. EACH PATIENT DAY INVOLVES WIDELY DIFFERING QUANTITIES OF SUPPLIES, EQUIPMENT AND PERSONNEL DEPENDING ON THE NEEDS OF THE PATIENT. THE SAME PRICE TAG CAN'T BE PUT ON ANY TWO ITEMS THOUGH ALL FIT UNDER THE SAME UNIT OF MEASUREMENT. EVEN IDENTICAL TWINS REQUIRE DIFFERENT SERVICES AND CARE FOR THE SAME SURGICAL PROCEDURE OR MEDICAL DIAGNOSIS.

OTHER CONSIDERATION IN SUCH A COMPARISON ARE THAT THE PUBLIC SERVICE COMMISSION TYPE REGULATIONS ARE GEARED TO CONTROL MONOPOLIES. EVEN THOUGH MANY NEVADA TOWNS HAVE ONLY ONE HOSPITAL, MOST PATIENTS CAN, IF THEY DESIRE, CHOOSE OTHER HOSPITAL SERVICE BASED ON SUCH THINGS

AS COST, AND LEVEL OF SERVICES AVAILABLE. THIS IS NOT THE CASE WITH UTILITIES.

NEVADA CANNOT AFFORD A RATE REGULATION COMMISSION. THE OPERATIONAL EXPENSES OF OTHER HOSPITAL RATE REGULATION COMMISSIONS HAS PROVEN TO BE VERY EXPENSIVE. MANY OF OUR RURAL HOSPITALS CURRENTLY OPERATE AT A LOSS AND ARE SUBSIDIZED BY COUNTIES. OUR HOSPITALS CANNOT AFFORD TO SUPPORT A HEALTH COST BOARD.

AS I INITIALLY STATED, WHEN ADDRESSING HEALTH CARE COSTS, THE DECISION THAT MUST FIRST BE MADE IS WHAT HEALTH CARE SERVICE IS WANTED AND WHAT PRICE ARE WE WILLING TO PAY. THE CHOICE THAT HAS BEEN MADE TO DATE IS FOR EQUAL ACCESS TO THE BEST MEDICAL CARE THERE IS. IF WE CONTINUE TO MAKE THIS CHOICE, THE PRICE WILL INCREASE. THE ONLY WAY THOSE INCREASES WILL BE BROUGHT INTO LINE IS BY JOINT EFFORTS ON THE PART OF HEALTH PROFESSIONALS, BUSINESS AND CONSUMERS TO INCREASE HEALTH EDUCATION, TO PROVIDE MOTIVATION FOR GOOD HEALTH AND TO PROVIDE APPROPRIATE ACCESS TO HEALTH CARE.

WE WOULD ASK THAT YOU NOT PASS THIS BILL.

## A. B. 265

## ASSEMBLY BILL NO. 265—COMMITTEE ON JUDICIARY

FEBRUARY 2, 1977

Referred to Committee on Judiciary

SUMMARY—Requires certain hospitals to establish internal risk management programs. (BDR 40-8)

FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: No.EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to hospitals; requiring the establishment of internal risk management programs; requiring reports; providing a privilege; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

1 SECTION 1. Chapter 449 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:

3 1. *Every hospital licensed pursuant to the provisions of NRS 449.001*  
4 *to 449.240, inclusive, which has more than 200 beds shall establish an*  
5 *internal risk management program which includes at least the following*  
6 *components:*

7 (a) *The investigation and analysis of the frequency and causes of gen-*  
8 *eral categories and specific types of adverse incidents causing injury to*  
9 *patients;*

10 (b) *The development of appropriate measures to minimize the risk of*  
11 *injuries and adverse incidents to patients through the cooperative efforts*  
12 *of all personnel; and*

13 (c) *The analysis of patient grievances which relate to patient care and*  
14 *the quality of medical services.*

15 2. *The risk management program shall be carried out through a per-*  
16 *son on the administrative staff of a hospital as part of his administrative*  
17 *duties, by a committee of the hospital board of trustees or directors or by*  
18 *the medical staff in a manner which they deem appropriate.*

19 3. *The person, committee or staff responsible for carrying out the*  
20 *program shall prepare and file with the insurance division of the depart-*  
21 *ment of commerce and the health division of the department of human*  
22 *resources a plan which describes the hospital's current risk management*  
23 *program in the manner prescribed by the commissioner of insurance.*

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.

A. B. 625

ASSEMBLY BILL NO. 625—ASSEMBLYMAN GLOVER

APRIL 6, 1977

Referred to Committee on Health and Welfare

SUMMARY—Allows board of hospital trustees to charge interest on certain delinquent accounts. (BDR 40-1530)

FISCAL NOTE: Local Government Impact: Yes. State or Industrial Insurance Impact: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to county hospitals; allowing board of hospital trustees to charge interest on certain delinquent accounts; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 450.420 is hereby amended to read as follows:
- 2 450.420 1. The board of county commissioners of the county in
- 3 which a public hospital is located shall have power to determine whether
- 4 or not patients presented to the public hospital for treatment are subjects
- 5 of charity. The board of county commissioners shall establish by ordi-
- 6 nance criteria and procedures to be used in the determination of patient
- 7 eligibility for medical care as medical indigents or subjects of charity.
- 8 2. The board of hospital trustees shall fix the charges for occupancy,
- 9 nursing, care, medicine and attendance, other than medical or surgical
- 10 attendance, of those persons able to pay for the [same,] charges, as the
- 11 board may deem just and proper. *The board of hospital trustees may*
- 12 *impose an interest charge of not more than 6 percent per annum on the*
- 13 *accounts of those persons able to pay which have been delinquent for*
- 14 *more than 2 months after the date of the first billing.* The receipts [there-
- 15 for] shall be paid to the county treasurer and credited by him to the hos-
- 16 pital fund. In fixing charges pursuant to this subsection the board of
- 17 hospital trustees shall not include, or seek to recover from paying patients,
- 18 any portion of the expense of the hospital which is properly attributable to
- 19 the care of indigent patients.
- 20 3. The county is chargeable with the entire cost of services rendered
- 21 by the hospital and any salaried staff physician [, surgeon] or employee
- 22 to any person admitted for emergency treatment, including all reasonably
- 23 necessary recovery, convalescent and followup inpatient care required for

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 526

ASSEMBLY BILL NO. 526—ASSEMBLYMAN GOMES  
(by request)

MARCH 24, 1977

Referred to Committee on Education

SUMMARY—Requires boards of trustees of school districts to establish consistent charges for private use of school property. (BDR 34-1295)

FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to school property; requiring boards of trustees of school districts to establish consistent methods of charging for private use of school property; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 393.0719 is hereby amended to read as follows:
- 2 393.0719 1. Lighting, heating, janitor service and the services of the
- 3 person referred to in NRS 393.0718, when needed, and other necessary
- 4 expenses, in connection with the use of public school buildings and
- 5 grounds pursuant to NRS 393.071 to 393.0719, inclusive, shall be pro-
- 6 vided for out of school district funds of the respective school districts in
- 7 the same manner as similar services are provided for, subject to reimburse-
- 8 ment by the [user in accordance with such policies and regulations as the
- 9 board of trustees may adopt.] users.
- 10 2. *The board of trustees shall establish:*
- 11 (a) *A separate category for each type of expense which is incurred*
- 12 *when school property is used for public purposes; and*
- 13 (b) *A uniform rate for each category.*

Original bill is on file at  
the Research Library.

A. B. 553

ASSEMBLY BILL NO. 553—COMMITTEE ON HEALTH AND WELFARE

MARCH 28, 1977

Referred to Committee on Health and Welfare

SUMMARY—Amends standards for admission of retarded persons to state care facilities. (BDR 39-1362)

FISCAL NOTE: Local Government Impact: No. State or Industrial Insurance Impact: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to retarded persons; providing for admission of retarded persons to facilities operated by the mental hygiene and mental retardation division of the department of human resources; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 435.081 is hereby amended to read as follows:
- 2 435.081 1. The administrator or his designee may receive [and
- 3 care for] mentally retarded persons of the State of Nevada *for services*
- 4 in a facility operated by the division when:
- 5 [(a) A person is judicially committed to the care of the administrator;
- 6 or
- 7 (b) Voluntary admission of a person is requested by his parent, par-
- 8 ents or guardian upon application to the administrator,
- 9 and space]
- 10 (a) *The person is mentally retarded as defined in NRS 433.174; and*
- 11 (b) *Space is available in a facility operated by the division which is*
- 12 *designed and equipped to provide appropriate care, treatment and train-*
- 13 *ing for mentally retarded persons.*
- 14 2. *A child may be voluntarily admitted upon application of one or*
- 15 *both parents or a guardian. An adult who has been adjudged incompetent*
- 16 *may be admitted upon application of a court-appointed guardian. A legally*
- 17 *competent adult may be admitted upon his own application.*
- 18 3. *A court may order an involuntary admission for services of any*
- 19 *person who had demonstrated behavior which indicates a clear and pres-*
- 20 *ent danger to himself or others, or which indicates that he is so gravely*
- 21 *disabled by mental retardation that he is unable to maintain himself in a*
- 22 *normal life situation. The administrator shall be notified in writing at least*

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 546

ASSEMBLY BILL NO. 546—ASSEMBLYMAN VERGIELS

MARCH 25, 1977

Referred to Committee on Education

SUMMARY—Requires hearings involving suspension or expulsion of pupils to be closed to public. (BDR 34-1424)

FISCAL NOTE: Local Government Impact: No. State or Industrial Insurance Impact: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to education; requiring hearings involving the suspension or expulsion of pupils be closed to the public; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 392.030 is hereby amended to read as follows:
- 2 392.030 1. The board of trustees of a school district may authorize
- 3 the suspension or expulsion of any pupil from any public school within the
- 4 school district in accordance with rules and hearing procedures complying
- 5 with requirements of due process of law.
- 6 2. No pupil may be suspended or expelled until he has been given
- 7 notice of the charges against him, an explanation of the evidence and an
- 8 opportunity for a hearing, except that a pupil who poses a continuing dan-
- 9 ger to persons or property or an ongoing threat of disrupting the academic
- 10 process may be removed from the school immediately upon being given an
- 11 explanation of the reasons for his removal, and pending proceedings, to be
- 12 conducted as soon as practicable after removal, for his suspension or
- 13 expulsion pursuant to this section.
- 14 3. *Except when a pupil requests that a hearing be open to the public,*
- 15 *the provisions of chapter 241 of NRS and NRS 386.335 do not apply to*
- 16 *any hearing conducted under this section. Such hearings shall be closed to*
- 17 *the public.*

Original bill is on file at the Research Library.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 171

ASSEMBLY BILL NO. 171—COMMITTEE ON  
GOVERNMENT AFFAIRS

JANUARY 27, 1977

Referred to Committee on Government Affairs

SUMMARY—Revises composition of state board of health. (BDR 40-685)

FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: No.EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

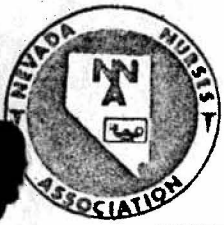
AN ACT relating to the state board of health; revising the composition thereof;  
and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

- 1 SECTION 1. NRS 439.030 is hereby amended to read as follows:  
2 439.030 1. The state board of health, *consisting of seven members*  
3 *appointed by the governor*, is hereby created.  
4 2. [The state board of health shall consist of six members to be  
5 appointed by the governor, two of whom shall be] *The governor shall*  
6 *appoint:*  
7 (a) *Two members who are doctors of medicine who have been licensed*  
8 *to practice in this state and [who] have [been] engaged in the practice of*  
9 *medicine in this state for not less than 5 years immediately prior to their*  
10 *appointment. [, one of whom shall be]*  
11 (b) *One member who is a doctor of dental surgery who has been*  
12 *licensed to practice in this state and [who] has [been] engaged in the*  
13 *practice of dentistry in this state for not less than 5 years immediately*  
14 *prior to his appointment. [, and one of whom shall be]*  
15 (c) *One member who is a doctor of veterinary medicine who has been*  
16 *licensed to practice in this state and [who] has [been] engaged in the*  
17 *practice of veterinary medicine in this state for not less than 5 years imme-*  
18 *diately preceding his appointment.*  
19 (d) *One member who is a registered nurse who has been licensed by this*  
20 *state and has engaged in nursing for at least 5 years immediately prior to*  
21 *his appointment.*  
22 (e) *One member who is a general engineering contractor or general*  
23 *building contractor who is licensed by this state.*  
24 (f) *One member who is a representative of the general public.*

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.





# Nevada Nurses' Association

3660 Baker Lane Reno, Nevada 89509 (702) 825-3555

April 19, 1977

A STATEMENT ADDRESSED TO THE MEMBERS OF THE  
SENATE HEALTH AND WELFARE COMMITTEE

SUBJECT: AB 171 - Revising Composition of the State Board of Health

I am Ann Hibbs, representing the Nevada Nurses' Association.

The Nevada Nurses' Association supports the composition of this bill. Our only concern is that at present the Governor must appoint Registered Nurse members to the Board of Nursing from a list submitted by the Nevada Nurses' Association. AB 171 allows the Governor to appoint without recommendation.

The Nevada Nurses' Association believes this change is not in the best interest of the residents of Nevada and that submission of names of nurses by professional organizations be retained for the following reasons:

1. The professional organization has the means to identify competent practice in the field. Because the Board is involved not only in the area of practice but also approval of schools of nursing, qualifications and expertise of Board appointees are extremely important.
2. The professional organization has contacts throughout the state within its districts and can identify through peer relationships at the grass roots level, those Registered Nurses meeting the qualifications of Board membership.
3. The Nevada Nurses' Association is concerned that without this peer recognition, the process of appointing Board members could revert to the "spoils system/"

SH/AH  
jz